

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007867-001 DT

05/02/2011

HON. KAREN L. O'CONNOR

CLERK OF THE COURT
C. Smith
Deputy

STATE OF ARIZONA

LIZ BARRICK

v.

FIDEL JESUS HERNANDEZ (001)
DOB: 02/07/1973

GARY B LARSON

APO-SENTENCINGS-CCC
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR
VICTIM WITNESS DIV-AG-CCC

SENTENCE - IMPRISONMENT AND PROBATION

9:10 a.m.

Courtroom CCB 1104

State's Attorney:	Liz Barrick
Defendant's Attorney:	Gary Larson
Defendant:	Present
Court Reporter:	Carrie Newman

Count(s) 23 and 102: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 23 (as amended) - Attempted Possession of Marijuana for Sale having a Weight Greater than the Statutory Threshold of 4 Pounds

Class 3 Felony

A.R.S. § 13-1001, 13-3405, 13-3401, 13-814, 13-701, 13-702, 13-801

Date of Offense: September 21, 2009

Non Dangerous - Non Repetitive

OFFENSE: Count 102 - Sale or Transfer of Narcotic Drugs (cocaine) having a Weight Greater than the Statutory Threshold of 9 Grams

Class 2 Felony

A.R.S. § 13-3408, 13-3401, 13-814, 13-701, 13-702, 13-801

Date of Offense: Committed on or between October 8, and October 16, 2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 102: Six year(s) from May 2, 2011

Presentence Incarceration Credit: 518 day(s)

Aggravated

Sentence is concurrent with CR2008-006471-010.

Community Supervision: Count 102 - Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in Count 23.

In the event the Defendant is released by the Department of Corrections on a temporary release basis pursuant to A.R.S. §31-233, and a term of Community Supervision has been waived pursuant to A.R.S. §13-603(K), the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 23 Probation Term: Three years

Upon absolute discharge from prison for a separate offense in Count 102 and CR2008-006471-010.

Conditions of probation include the following:

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Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the state.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 23 - \$65.00 per month.

FINE: Count 23 - Total amount of \$2000.00 payable \$50.00 per month; surcharges are waived.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION SURCHARGE: Count 23 - \$20.00.

Count 23: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Payment to commence on a date to be determined by the Adult Probation Department and is due on the same day of each month thereafter until paid in full.

All amounts payable through the Clerk of the Superior Court.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Condition 16 - Not consume or possess any substances containing alcohol.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 1, 2, 22, 24, 98, 99, 100, 101, 103, 109, 110, 111, 112, 113, 114, 115, 116; allegations of prior felony convictions and on probation. The Arizona Attorney General agrees to file no further drug related charges arising out of CWT 357.

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Count(s) 102: IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

Count(s) 23: IT IS FURTHER ORDERED Defendant be released from custody for this count only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

The presentence investigation report is filed under CR2009-007867-001.

9:25 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HON. KAREN L. O'CONNOR
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)